

RULES AND REGULATIONS

1. RULES AND REGULATIONS. All Unit Owners and other persons shall use the Condominium Property and open areas in accordance with the Rules and Regulations promulgated by the Association and the provisions of the Declaration and the By-Laws of the Association.

2. RESIDENTIAL USE. Each Unit is restricted to residential use as a residence by the Owner or permitted occupant thereof, his immediate family, guest, tenants and invites. At no time may a Unit be used by more persons than for which it was designed (i.e. two (2) persons in each bedroom).

3. OWNERSHIP BY ENTITY. In the event that other than a natural person is a Unit Owner, that Unit Owner shall, prior to the purchase of the Unit, designate the person(s) who is/are to be the permanent occupant(s) of the Unit. That Unit Owner shall not thereafter have the right to designate other persons as the occupants of the Unit, whether in substitution of, or in addition to, the persons initially designated, except with the approval of the Association given pursuant to the provisions of the Declaration. All provisions of the Declaration shall apply to such designated occupant(s) as though they had title to the Unit and the occupant and the Unit Owner shall be bound thereby.

4. GENERAL USE RESTRICTION. The Condominium Property, or any part thereof, shall not be used in any manner contrary to the Condominium Documents.

5. LAWFUL USE. No immoral, improper, offensive or unlawful use shall be made of the Unit or Condominium Property. All laws, zoning ordinances and regulations of all governmental bodies having jurisdiction thereof shall be observed. The responsibility of meeting the requirements of governmental bodies for maintenance, modification or repair of the Unit or Condominium Property shall be the same as the responsibility for maintenance and repair of the property concerned.

6. ALTERATIONS AND ADDITIONS. No material alteration, addition, or modification to a Unit, nor any installation or modification of electrical wiring, communication equipment, antenna systems, or other connections extending outside the Unit, shall be made without the prior written approval of the Association. No holes, penetrations, punctures, or other breaches may be made to the Common Elements or any area outside the boundaries of a Unit without prior written approval of the Association.

Each Unit may have one exterior security camera and one doorbell camera installed on the exterior of the Unit. There shall be no limit on the number of security cameras located entirely within a Unit, including cameras placed in windows and directed outward, provided such cameras do not unreasonably interfere with neighboring Units, the Common Elements, or the privacy of other residents. Cameras may not be directed primarily into the interior of another Unit or other private enclosed area.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. N/A (p. 1): Blanket ban, sub-1-meter size cap, or prior approval requirement on satellite dishes or antennas is preempted by federal FCC OTARD regulations.

Statutory / Legal Reference: 47 C.F.R. § 1.4000 (FCC OTARD Rule)

Statutory Comparison: The FCC Over-the-Air Reception Devices rule (47 C.F.R. § 1.4000, as expanded by the 2021 OTARD Report and Order, FCC 21-10) preempts community association restrictions that prohibit, charge application fees for, require prior architectural approval for, or impose sub-1-meter (39.37-inch) diameter caps on the installation, maintenance, or use of television broadcast antennas, direct-broadcast satellite dishes 1 meter or less in diameter, and fixed wireless broadband antennas (including hub and relay antennas) situated on property within the exclusive use or control of the owner/tenant.

CURRENT WORDING IN DOCUMENT:

communication equipment, antenna systems, or other connections extending outside the Unit, shall be made without the prior written approval of the Association. No holes, penetrations, punctures, or other breaches may be made to the Common Elements or any area outside the boundaries of a Unit without prior written approval of the Association.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Provided that this restriction shall not prohibit or require prior approval for any owner or occupant installing an antenna, fixed wireless broadband hub/relay device, or satellite dish of one meter (39.37 inches) or less in diameter within areas under the owner's or occupant's exclusive use or control, in accordance with FCC OTARD regulations (47 C.F.R. § 1.4000).

ISSUE #1